



PTO/SB/21 (05-03)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/607,697
Filing Date	June 27, 2003
First Named Inventor	Bruce A. Pearlman
Art Unit	
Examiner Name	
Attorney Docket Number	6096.N DV7

Total Number of Pages in This Submission

6

ENCLOSURES (Check all that apply)

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input checked="" type="checkbox"/> SUPPLEMENTAL Information Disclosure Statement
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Response to Missing Parts/Incomplete Application
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
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<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
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<input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> Proprietary Information
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<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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Firm or Individual name	John H. Engelmann	28,075	Pharmacia & Upjohn Company
Signature			
Date	September 23, 2003		

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Typed or printed name	Julie K. Lyons	Date	September 23, 2003
Signature			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: C mmissioner for Pat nts, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (05-03)
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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**180.00**

Complete if Known

Application Number	10/607,697
Filing Date	June 27, 2003
First Named Inventor	Bruce A. Pearlman
Examiner Name	
Art Unit	
Attorney Docket No.	6096.N DV7

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number
Deposit Account Name

21-0718

Pharmacia & Upjohn Company

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** = 0	X \$0.00	= \$0.00
Multiple Dependent	-3** = 0	X \$0.00	= \$0.00
		\$0.00	\$0.00

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	180.00
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**180.00**

SUBMITTED BY

Name (Print/Type)	John H. Engelmann	Registration No. (Attorney/Agent)	28,075	Telephone	(269) 833-2532
Signature	John H. Engelmann	Date	September 23, 2003		

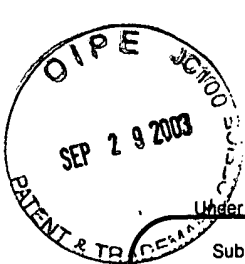
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Substitute for form 1449A/PTO

**SUPPLEMENTAL
INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

1

of

4

Complete if Known

Application Number	10/607,697
Filing Date	June 27, 2003
First Named Inventor	Bruce A. Pearlman
Art Unit	
Examiner Name	
Attorney Docket Number	6096.N DV7

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 5,523,403	06/04/1996	Barbachyn	
		US- 5,792,765	08/11/1996	Riedl et al.	
		US-			
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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LIST OF REFERENCES CITED BY APPLICANT
(Use several sheets if necessary)

Sheet 2 of 4

Atty. Docket No.

6096 .N DV7

Serial No.

10/607,697

Applicant BA Pearlman

Filing Date
June 27, 2003

Group

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	AA	4,402,981	6 Sept 1983	H. Liepmann, et al.	424	324	16 Mar 1981
	AB	5,663,173	2 Sept 1997	S. Jegham, et al.	514	249	12 Jun 1996
	AC	3,654,298	4 Apr 1972	C.A. Douzon, et al.	260	307 C	14 Oct 1968
	AD	5,244,901	14 Sept 1993	G. Pascal, et al.	514	252	26 Jun 1992
	AE	4,150,029	17 Apr 1979	P.L. Dostert, et al.	260	307 C	23 Feb 1977
	AF	5,164,510	17 Nov 1992	S.J. Brickner	548	231	20 Feb 1991
	AG	4,250,318	10 Feb 1981	P.L. Dostert, et al.	548	229	9 Aug 1978
	AH	4,340,606	20 Jul 1982	R.B. Fugitt, et al.	424	272	23 Oct 1980
	AI	4,461,773	24 Jul 1984	W.A. Gregory	424	272	5 Jan 1984
	BA	4,476,136	9 Oct 1984	P.L. Dostert, et al.	424	272	24 Feb 1982
	BB	4,948,801	14 Aug 1990	R.K. Carlson, et al.	514	307	29 Jul 1988
	BC	5,182,403	26 Jan 1993	S.J. Brickner	548	231	23 Apr 1992
	BD	5,225,565	6 Jul 1993	S.J. Brickner	548	229	23 Apr 1992
	BE	5,332,754	26 Jul 1994	H. Nakai, et al.	514	376	15 Oct 1992
	BF	5,565,571	15 Oct 1996	M.R. Barbachyn, et al.	546	144	28 Apr 1994
	BG	5,688,792	18 Nov 1997	M.R. Barbachyn, et al.	514	235.5	16 Aug 1994
	BH	5,547,950	20 Aug 1996	D.K. Hutchinson, et al.	514	252	31 Oct 1994
	BI	5,231,188	27 Jul 1993	S.J. Brickner	548	221	13 May 1992
	CA	5,247,090	21 Sep 1993	S.J. Brickner	546	89	21 Jan 1993

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	AJ	DE 27 20 915 See: U.S. 4,402,981						
	AK	EP 0 748 807 See: U.S. 5,663,173						



LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)				Atty. Docket No.		Serial No.	
				6096.N DV7		10/607,697	
				Applicant BA Pearlman			
Sheet 3 of 4				Filing Date June 27, 2003		Group	
	AL	EP 0 522 915 See: U.S. 5,244,901					
	AM	WO 93/09103 See: U.S. 5,565,571					
	AN	WO 95/07271 See: U.S. 5,688,792					
	BJ	PCT/ US94/08904 See: U.S. 5,688,792					
	BK	WO 93/23384 See: U.S. 5,547,950					
OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
	AO	Patent Abstract of Japan Vol. 5(4) [C-038]- 13 Jan 1981 – JP 55 133357 A					
	AP	Barbachyn, M.R. et al., "Identification of a Novel Oxazolidinone (U-100480) with Potent Antimycobacterial Activity," J. Med. Chem 39:680-685 (1996);					
	AQ	Brickner, S.J., et al. "Synthesis and Antibacterial Activity of U-100592 and U-100766, Two Oxazolidinone Antibacterial Agents for the Potential Treatment of Multidrug-Resistant Gram-Positive Bacterial Infections," J. Med. Chem. 39:673-679 (1996);					
	AR	Gregory, W.A., et al., "Antibacterials. Synthesis and Structure-Activity Studies of 3-Aryl-2-oxoxazolidines. 2. The "A" Group," J. Med. Chem. 33:2569-2578 (1990);					
	AS	Schaus, S.E. and E.N. Jacobsen, "Dynamic Kinetic Resolution of Epichlorohydrin via Enantioselective Catalytic Ring Opening with TMSN ₄ , Practical Synthesis of Aryl Oxazolidinone Antibacterial Agents," Tetrahedron Letters 37(44):7937-7940 (1996).					
	AT	Wang, C-LJ et al., "Chiral Synthesis of DUP 721, A New Antibacterial Agent," Tetrahedron 45(5):1323-1326 (1989);					
	AV	Barbachyn, M.R., et al., "Synthesis and Structure-Activity Relationships of New Tropone-Substituted Oxazolidinone Antibacterial Agents," Abstract of Papers (F206), 35 th Interscience Conference on Antimicrobial Agents and Chemotherapy, San Francisco, CA, September 1995; American Society for Microbiology: Washington, DC, 1995;					
	BO	Hutchinson, D.K. et al., "Piperazinyl Oxazolidinones: Structure Activity Relationships of a New Class of Oxazolidinone Antibacterial Agents," Abstract of Papers (F207), 35 th Interscience Conference on Antimicrobial Agents and Chemotherapy, San Francisco, CA, September 1995; American Society for Microbiology: Washington, DC, 1995;					



LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary) Sheet 4 of 4		Atty. Docket No. 6096 .N DV7	Serial No. 10/607,697
		Applicant BA Pearlman	
		Filing Date June 27, 2003	Group
	BP	Brickner, S.J. et al., <i>Synthesis of U-100592 and U-100766, Two New Oxazolidinone Antibacterial Agents in Clinical Trials for Treatment of Multiply Resistant Gram Positive Infections</i> , Abstract of Papers (F208), 35 th Interscience Conference on Antimicrobial Agents and Chemotherapy, San Francisco, CA, September 1995; American Society for Microbiology: Washington, DC, 1995;	
	BQ	Barbachyn, M.R. et al., <i>Identification of New Oxazolidinone Antibacterial Agents with Potent In Vitro Antimycobacterial Activity</i> , Abstract of Papers (F227), 35 th Interscience Conference on Antimicrobial Agents and Chemotherapy, San Francisco, CA, September 1995; American Society for Microbiology: Washington, DC, 1995.	
	BR	Gregory, W.A., et al., <i>"Antibacterials. Synthesis and Structure-Activity Studies of 3-Aryl-2-oxoxazolidines. 1. The "B" Group,"</i> J. Med. Chem. 32:1673-1681 (1989).	
Examiner		Date Considered	